

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

KEVIN E. DENNIS,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

Civil Action 2:07-CV-1313  
Criminal Action 2:05-CR-248(2)  
Judge Sargus  
Magistrate Judge King

ORDER

Counsel has been appointed to assist petitioner in connection with his December 31, 2007 motion to vacate, set aside, or correct sentence pursuant to 28 U.S.C. § 2255, Doc. No. 44. Petitioner has now filed a motion to expand the scope of that appointment to pursue a reduction of sentence pursuant to U.S.S.G. § 1B1.10 and 18 U.S.C. § 3582(c) and an anticipated request to withdraw petitioner's plea of guilty to the charge of possession of a firearm in furtherance of a drug crime in violation of 18 U.S.C. § 924(c). *Defendant/Petitioner Kevin E. Dennis's Motion to Expand the Scope of CJA Counsel's Appointment*, Doc. No. 100. The United States does not oppose the request as it relates to the anticipated reduction of sentence, in light of petitioner's claim that his former counsel was ineffective, but does oppose the motion as it relates to issues not included in the order of remand. *Government's Reply to Dennis' Motion to Expand the Scope of CJA Counsel's Appointment*, Doc. No. 101.<sup>1</sup>

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<sup>1</sup>The Court notes that petitioner has now filed, *pro se*, an additional motion to vacate, set aside, or correct a sentence. Doc. No. 102. Characterizing that filing as a successive petition, the United States has asked that the matter be forwarded to the United States Court of Appeals for the Sixth Circuit. Doc. Nos. 109, 110.

To the extent that the motion, Doc. No. 100, relates to petitioner's anticipated request for reduction of sentence, the motion is **GRANTED**. To the extent that the motion relates to petitioner's May 14, 2012 motion to vacate, set aside, or correct sentence, Doc. No. 102, the motion is **DENIED without prejudice to renewal** following the Court's resolution of the government's claim that the filing constitutes a successive petition.

s/ Norah McCann King  
Norah McCann King  
United States Magistrate Judge

June 25, 2012